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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,946	07/07/2003	Kevin T. Connelly		6732

7590 02/22/2006
Apollo Sunguard
4487 A Ashton Rd.
Sarasofa, FL 34233

EXAMINER

YIP, WINNIE S

ART UNIT PAPER NUMBER

3636

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,946

Applicant(s)

CONNELLY, KEVIN T.

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5-8 and 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election of specie in Fig. 1 and Fig. 2A of Group I and Fig. 1 and Fig. 4 of Group II in the reply filed on December 1, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 2-3, 5-8, 13-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim.

Drawings

3. The drawings are objected to under 37 CFR 1.84(h)(1) because of the exploded view, i.e. Figures 1, with the separated parts within the same figure, should be embraced by a bracket in order to show the relationship or order of assembly of various parts. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 and 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Kupferman (US Patent No. 5,890,506) in view of Bilotti (US Patent No. 5,678,587) and in view of Johnson et al. (US Patent NO. 5,487,401).

Kupferman shows and discloses a shade and rain umbrella combination including a basic umbrella having a shaft (12) with a handle (14), ribs (18) a shade cover (22) placed over and supported by the ribs and fastened to a peripheral point at the end of ribs, the shade cover (22) consisting of a woven mesh fabric (32) for protection against UV rays of the sun and allowing ventilation air passed there through the fabric (32), and a water proof rain cover (24) being placed over and connected to the mesh fabric shade cover by suitable fastening means, wherein the mesh area can be formed variety. Although Kupferman does not define the shade cover

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being made of fabric mesh material for protection against ultraviolet rays of the sun as claimed, Bilotti teaches an umbrella formed with a shape cover (46) supported by ribs, and the shade cover (46) being made of woven mesh fabric coated or otherwise provide with ultraviolet protection to resist the rays of the sun (see col. 4, lines 18-20). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the umbrella of Kupferman having the shade cover being made of woven mesh fabric with a coat of ultraviolet blocking material as taught by Bilotti for providing an umbrella having a shade cover having protection against the UV rays of the sun and allowing ventilation air passed there through at the same time. Kupferman also does not define the water proof rain cover having a same size as the shade cover such that the rain cover would being connected to the shade cover by fastening means at the peripheral point at each end of the ribs of the shade cover as claimed, Johnson et al. teaches a shade and rain umbrella combination comprising a shade cover (20) placed over and supported by the ribs and fastened to the peripheral points at the ends of ribs, and a water proof rain cover (36) placed over and connected to the shade cover by fastening means, wherein the water proof rain cover would be different (see Fig. 13) or substantially same size (see Fig. 14) with the shade cover, and the rain cover having fasteners formed with flexible strap (48) with flexible eyelets (50) along a peripheral point of the rain cover to be fastened to the end of ribs respectively. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the shade and rain umbrella combination of Kupferman having the shade cover being made larger mesh surface area with UV protection as modified by Bilotti and having the water proof rain cover providing with a same size as the shade cover with suitable fastening means such as flexible eyelets as taught by Johnson, et al. providing a rain cover being

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easily connected to and completely covering the larger mesh area of the shade cover as a matter of design choice for allowing a greater amount of air to be flow as to accommodate various applications.

6. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kupferman '506 in view of Bilotti '587 and Johnson, et al. '401 as applied to claim 1 above, and further in view of Allee (US Patent No. 6,378,539).

The claims are considered to meet by Kupferman modified by Bilotti and Johnson et al. as explained and applied set forth above rejections except neither of Kupferman nor Bilotti nor Johnson et al. define the umbrella combination including means for clamping the shaft in an upright position on an support. Allee teaches an umbrella (1) comprising a shaft (5), a clamping device providing means for clamping the shaft in an upright position on an support device (9), wherein the clamping device (7') having a C-shaped clamp (33 or 83) providing thread holes (80 and 21' or 99) for receiving the end of the shaft (3) in two different directions. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the umbrella combination of Kupferman modified by Bilotti and Johnson et al. having a clamping device with clamping means for clamping the umbrella combination in two different orientations as taught by Allee for clamping the shaft of the umbrella combination in an upright position on different oriented support surfaces.

Citations

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Roper, III '850, James et al. '067 and McFarlane (GB 2,045,338) teach various C-shaped clamping devices having means for orienting and clamping an umbrella in an upright position. Goldenhersh '651 teaches a shade cover which is capably used for an umbrella being made of a woven mesh fabric having a coating for against ultraviolet rays of the sun as claimed. Kloor, III '737, Lin et al. '108, Engdahl et al. '780 and Ou '283 teach various umbrella combinations having a rain cover covering a shade cover for allowing ventilation air passed there through as similar to the claimed invention. Mead '861 teaches an umbrella having a handle having threaded holes to provide means for extending the shaft of the umbrella. Dunbar et al. '370 teaches a knitted fabric made of HDPE polyethylene mono-tape with UV resistant material and being capably used for a shade cover of an umbrella.

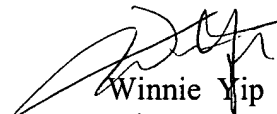
Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3636

wsy
February 17, 2006